

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

2021 DEC 22 AM 11:23

CLERK

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JAMAL HALL,

Plaintiff,

v.

VERMONT STATE POLICE and
RUTLAND POLICE DEPARTMENT,

Defendants.

Case No. 2:21-cv-00130

ORDER OF DISMISSAL

A review of the docket in this case reveals the following:

1. On May 21, 2021, the court granted self-represented Plaintiff Jamal Hall's motion for leave to proceed *in forma pauperis*, and on May 24, 2021, Plaintiff's Complaint was filed.
2. Following the filing of an Answer by Defendant Rutland Police Department ("RPD") and a motion to dismiss by Defendant Vermont State Police, to which Plaintiff did not respond, on October 7, 2021, the court issued an Opinion and Order granting the motion to dismiss, sua sponte dismissing the claims against RPD, and dismissing the Complaint. The court granted Plaintiff leave to file an Amended Complaint on or before November 5, 2021, and warned that the action would be dismissed if an Amended Complaint was not timely filed.
3. On November 1, 2021, Plaintiff requested and received an extension of time to file an Amended Complaint until December 6, 2021.
4. No further filings have been received as of the date of this Order.

The Federal Rules of Civil Procedure authorize dismissal of an action when "the plaintiff fails to prosecute or to comply with these rules or a court order[.]" Fed. R. Civ. P. 41(b). Although Rule 41(b) does not define "failure to prosecute," the Second Circuit has held that "[i]t can evidence itself either in an action lying dormant with no significant activity to move it or in a pattern of dilatory tactics." *Lyell Theatre Corp. v. Loews Corp.*,

682 F.2d 37, 42 (2d Cir. 1982). Because Plaintiff has not filed an Amended Complaint after being warned that failure to do so will result in dismissal, this case is hereby DISMISSED for failure to prosecute.

SO ORDERED.

Dated at Burlington, in the District of Vermont, this 22nd day of December, 2021.

/s/ Christina Reiss

Christina Reiss, District Judge
United States District Court